

# HOUSE BILL 11

F1, O3, J1  
HB 1558/09 – W&M

(PRE-FILED)

0lr0458  
CF SB 204

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By: **Delegates Sophocleus, Robinson, Cane, DeBoy, Sossi, Glenn, Riley, Wood, Frush, Love, and Carr**

Requested: August 6, 2009

Introduced and read first time: January 13, 2010

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: March 24, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Student Stigma Act**

3 FOR the purpose of changing references to emotional disturbance to emotional  
4 disability; providing that certain documents may not be used until the use of  
5 certain other documents; providing for the intent of this Act; and generally  
6 relating to changing references to emotional disturbance to emotional disability.

7 BY repealing and reenacting, with amendments,  
8 Article – Education  
9 Section 8–401  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume and 2009 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Education**

15 8–401.

16 (a) (1) In this subtitle the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           (2) “Child with a disability” means a child who has been determined  
2 through appropriate assessment as having autism, deaf–blindness, hearing  
3 impairment, including deafness, [emotional disturbance,] **EMOTIONAL DISABILITY**,  
4 intellectual disability, multiple disabilities, orthopedic impairment, other health  
5 impairment, specific learning disability, speech or language impairment, traumatic  
6 brain injury, visual impairment, including blindness, and who because of that  
7 impairment needs special education and related services.

8           (3) “Free appropriate public education” means special education and  
9 related services that:

10                   (i) Are provided at public expense, under public supervision  
11 and direction, at no cost to the parents;

12                   (ii) Meet the standards of the State Board regulations and the  
13 Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

14                   (iii) Includes preschool, elementary, and secondary education;  
15 and

16                   (iv) Are provided in conformance with the requirements of the  
17 child’s individualized education program.

18           (4) “Special education” means specially designed instruction, at no cost  
19 to parents, to meet the unique needs of a child with a disability, including:

20                   (i) Instruction in the classroom, in the home, in hospitals and  
21 institutions, and in other settings; and

22                   (ii) Instruction in physical education.

23           (5) (i) “Related services” means transportation and such  
24 developmental, corrective, and other supportive services as may be required to assist a  
25 child with a disability to benefit from special education.

26                   (ii) “Related services” includes the early identification and  
27 assessment of disabling conditions in children.

28                   (iii) “Related services” does not include a surgically implanted  
29 medical device or the replacement of the device.

30           (b) In this subtitle the domicile of a child with a disability is the county in  
31 which the parent or guardian who has legal custody of the child is domiciled.

32           SECTION 2. AND BE IT FURTHER ENACTED, That documents reflecting the  
33 renaming of emotional disturbance to be emotional disability may not be used until all

1 documents already in print and reflecting the terminology in use prior to the effective  
2 date of this Act have been used.

3 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act is  
4 intended to result in a reduction of federal funds available to the State.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.